IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sutcliffe, Gregor J., et al.	)	
Division of Serial No.:	09/230,896	)	Prior Art Unit: 1653
Filed:	December 12, 2000 (By Express Mail)	)	Prior Examiner: Stephen Tu
For:	HYPOTHALAMUS-SPECIFIC POLYPEPTIDES	)	Atty. Docket No. TSRI 548.1 DIV. 1

REQUEST BY APPLICANTS FOR DECLARATION OF INTERFERENCE PURSUANT TO RULE 607

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

Sir:

This Request By Applicants For a Declaration Of Interference Pursuant To Rule 607 is filed concurrently with a preliminary amendment to the subject application.

I. REQUEST FOR INTERFERENCE

Pursuant to 37 CFR §1.607 Applicants respectfully request that an Interference be declared between the subject application and U.S. Patent No. 6,001,963. New Claim 60 added to the instant application by preliminary amendment, corresponds substantially to Claim 1 of U.S. Patent No. 6,001,963 and has been presented for the purpose of initiating an interference proceeding between the instant patent application and U.S. Patent No. 6,001,963. Claim 60 of the instant application defines an isolated polypeptide comprising an amino acid sequence selected from the group consisting of: SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:8, and SEQ ID NO:10, which correspond substantially to the sequences defined in Claim 1 of U.S. Patent No. 6,001,963, and thus defines the same invention.

The information required by 37 C.F.R. §1.607(a) is set forth under headings which correspond to the subsections of §1.607 to facilitate consideration by the Examiner.

1. IDENTIFICATION OF THE PATENT WHICH INCLUDES SUBJECT MATTER WHICH INTERFERES WITH THE APPLICATION

The patent which claims subject matter which interferes with subject matter claimed in the present application ("the Sutcliffe et al. application") is U.S. Patent No. 6,001,963 ("the Bergsma et al. patent") issued on December 14, 1999 to Bergsma et al. for LIGANDS OF THE NEUROPEPTIDE RECEPTOR HFGAN72. The Bergsma et al. patent was issued on application Serial No. 08/938,548 filed September 26, 1997. SmithKline Beecham Corporation and the University of Texas Southwestern Medical Center are the assignees named on the face of the patent.

2. PRESENTATION OF PROPOSED COUNT

Proposed Count 1 is set forth in Appendix A hereto.

3. IDENTIFICATION OF CLAIMS OF THE BERGSMA ET AL. PATENT WHICH CORRESPOND TO THE PROPOSED COUNT

Claims 1, 2 and 3 of the Bergsma et al. Patent correspond to the proposed Count 1. Claims 2 and 3 both recite an amino acid sequence included in Claim 1.

4. CLAIMS OF THE SUTCLIFFE ET AL. APPLICATION WHICH CORRESPOND TO THE PROPOSED COUNT

Applicants submit that Claims 60, 61 and 62 correspond to Count 1; Claims 61 and 62 both recite an amino acid sequence included in Claim 60.

Appendix B is a chart providing an element-by-element recitation of Claims 60-62, added by the preliminary amendment filed concurrently with this Declaration of Interference, together with an indication of the passages in the specification of the present application where the claim finds support and in the earliest filed application Serial No. 60/023,220 filed August 2, 1996 for which benefit is claimed. The present Sutcliffe et al. application is a Divisional of Serial No. 09/230,896, the national entry of Serial No. PCT/US97/13657, filed August 1, 1997. Accordingly, Sutcliffe et al. should be accorded benefit of the prior applications in the Declaration of Interference. Sutcliffe et al. should also be designated as

the senior party in the Interference as having the earlier effective filing date; i.e., August 2, 1996, versus September 26, 1997, for Bergsma et al.

The Applicants' SEQ ID NO:1, which is recited in Applicants' claim 60, corresponds exactly to Bergsma et al.'s SEQ ID NO:6, which is found in Bergsma et al.'s claim 1. Applicants' SEQ ID NO:1 also corresponds substantially to Bergsma et al.'s SEQ ID NOS:2 and 10, both of which are found in Bergsma et al.'s claim 1.

The Applicants' SEQ ID NO:2, which is recited in Applicants' claim 60 as well as in claim 62, corresponds substantially to Bergsma et al.'s SEQ ID NOS: 2, 6, and 10, which are found in Bergsma et al.'s claim 1 and claim 3.

The Applicants' SEQ ID NO:10, which is recited in Applicants' claim 60 as well as in claim 61 corresponds substantially to Bergsma et al.'s SEQ ID NOS:4, 9, and 12, which are found in Bergsma et al.'s claim 1 and claim 2.

The Applicants' SEQ ID NO:8, which is recited in Applicants' claim 60 as well as in claim 62, corresponds substantially to Bergsma et al.'s SEQ ID NO:8, which is found in Bergsma et al.'s claim 1 and claim 3.

3. 35 U.S.C. §135(b) IS SATISFIED

The effective filing date of the present Sutcliffe et al. application is August 2, 1996, which is earlier than the September 26, 1997 effective filing date of the Bergsma et al. patent. Applicants' independent claim 60 and dependent claims 61 and 62 are presented in the present application within one-year of the issue date, i.e., December 14, 1999, of the Bergsma et al. patent. Accordingly, the timing requirement of 35 U.S.C. §135(b) is satisfied.

II. CONCLUSION

Applicants respectfully request that an Interference be declared with proposed Count 1 as set forth on attached Appendix A. Claims 1, 2, and 3 of the Bergsma et al. patent and present Claim 60 each corresponds to Count 1.

Respectfully submitted,

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By _____
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CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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I hereby certify that this paper, together with the stated attachments (Appendices A and B), is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner of Patents, Box PATENT APPLICATION, Washington, D.C. 20231.

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Deborah A. Melchi